

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION
2:07CV14-1-MU

TERRENCE WRIGHT-BEY,)
)
 Petitioner,)
)
 v.)
)
STATE OF NORTH CAROLINA,)
)
)
 Respondent.)

)

ORDER

THIS MATTER comes before the Court upon Petitioner's Motion for Filing Fee, filed July 24, 2007.

On July 2, 2007, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Because Petitioner's federal habeas petition was not accompanied by the applicable filing fee or a motion for leave to proceed in forma pauperis, this Court dismissed his petition without prejudice. Petitioner now requests that the filing fee be taken from his inmate trust account. Petitioner's motion is denied as moot because he no longer has a case pending. However, because his petition was dismissed without prejudice, Petitioner may file a new federal habeas petition and include the filing fee with that petition.

IT IS, THEREFORE, ORDERED that Petitioner's Motion for Filing Fee is **DENIED** as moot.

Signed: August 7, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

